

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Information Disclosure Statement.

The Applicant notes that an information disclosure statement was filed electronically on July 9, 2003, which was two (2) days prior to the date on which this Office Action mailed. Due to the closeness of the dates, the information disclosure statement was not considered prior to this action. Therefore, the Applicant respectfully requests consideration of the information disclosure statement and an indication that the references were considered with the next action.

2. Allowance of Claims 95-144.

The Applicant thanks the Examiner for allowing Claims 95-144.

3. Objection to Claims re Minor Informalities.

As requested, the Applicant has amended Claims 78 and 79 to read "at least one" instead of "a least one" where indicated by the Examiner. In addition, the Applicant has changed "switch configured" to "switch is configured" in Claims 106, 108, 115, 128, 132, 135, 136, 139, 140, and 143 where indicated by the Examiner. Lastly, in Claims 129, 133 and 138, the Applicant has added the parenthetical notation "(f)" where indicated by the Examiner. The Applicant apologizes for any inconvenience to the Examiner caused by those typographical errors.

4. Rejection of Claims 59-94.

Claims 59-94 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Published Patent Disclosure No. 5-107485 to Kunio et al. (cited by the Applicant as JP2617054 in the information disclosure statement filed on August 28, 2002).

In response, and in order to expedite prosecution, the Applicant has amended Claims 59-94 to recite that the optical switch is configured for separating at least one wavelength component in an input optical beam from at least one other wavelength component of the optical beam and switching the wavelength component from an input port to an output port. Kunio et al. does not teach or suggest the claimed switch configuration with wavelength component separation and switching. The amendatory

language in Claims 59-94 is consistent with the language the language in allowed Claims 95-144. Amendment of Claims 59-94 is without prejudice to filing a continuation application with claims directed to the subject matter of original Claims 59-94 and is without disclaimer of the subject matter thereof.

5. Related Applications and Patents.

To assist the Examiner with coordination of examination of this application with other pending applications, and to ensure that there are no unknown patents or applications relating to the subject matter hereof, the Applicant notes the other pending applications and issued patents this portfolio as follows:

- (a) S/N 09/849,096 (filed 05/04/01)
- (b) S/N 09/928,237 (filed 08/10/01)
- (c) S/N 10/293,897 (filed 11/12/02)
- (d) S/N 10/293,949 (filed 11/12/02)
- (e) U.S. No. 6,097,859 (issued 08/01/00)
- (f) U.S. No. 6,289,145 (issued 09/11/01)
- (g) U.S. No. 6,327,398 (issued 12/04/01)
- (h) U.S. No. 6,374,008 (issued 04/16/02)
- (i) U.S. No. 6,389,190 (issued 05/14/02)

6. Conclusion.

In view of the above, Claims 59-94 are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to allow this application to issue with pending Claims 59-144.

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Respectfully submitted,

  
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